

**REMARKS**

Claims 1 and 8 have been amended to clarify the claim language. No new matter has been added.

**Rejections Under 35 U.S.C. §112**

The Examiner maintained the rejection of claims 1, 2, 12, 13, 66, 67 and 73 under 35 U.S.C. §112, second paragraph, as indefinite. Applicant has amended claim 1 to clarify that the claimed nucleic acid molecule is one that codes for an amino acid sequence of a polypeptide encoded by a RUR 1 antisense mRNA. This language corresponds to the language of the specification noted by the Examiner on page 2 of the Office Action.

In view of the amendment of claim 1, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 2, 12, 13, 66, 67 and 73.

The Examiner rejected claims 1, 2, 12, 13, 66, 67 and 73 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has amended claim 1 to clarify that the claimed nucleic acid molecule is one that codes for an amino acid sequence of a polypeptide encoded by a RUR 1 antisense mRNA. This language corresponds to the language of the specification noted by the Examiner on page 2 of the Office Action, and therefore the claims as amended comply with the written description requirement.

In view of the amendment of claim 1, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 2, 12, 13, 66, 67 and 73.

**Rejections Under 35 U.S.C. §102**

The Examiner maintained the rejection of claims 8, 9, 71 and 72 under 35 U.S.C. §102(b) as being anticipated by US 5,582,979.

Applicant has amended claim 8 to clarify that the claimed nucleic acid molecule consists of the recited fragments. In view of the amendment of claim 8, Applicant respectfully requests that the Examiner withdraw the rejection of claims 8, 9, 71 and 72 under 35 U.S.C. §102(b) as anticipated by US 5,582,979.

The Examiner rejected claims 8, 9, 71 and 72 under 35 U.S.C. §102(e) as being anticipated by SEQ ID NO:1 of US 6,087,485.


Applicant has amended claim 8 to clarify that the claimed nucleic acid molecule consists of the recited fragments. In view of the amendment of claim 8, Applicant respectfully requests that the Examiner withdraw the rejection of claims 8, 9, 71 and 72 under 35 U.S.C. §102(e) as anticipated by US 6,087,485.

### **CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:   
John R. Van Amsterdam  
Reg. No. 40,212  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. L0461.70099US00

Date: March 15, 2004

**x03/14/04**